

APPLICANT(S): KLIATZKIN, Vladimir  
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### REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

### Status of Claims

Claims 1-27 are pending in the application. Claims 4-10 and 13-26 have been objected to. Claims 1-26 have been rejected. Claims 1, 3-10, 13-14, 16, 18 and 22-25 have been amended. Claim 27 has been newly added.

Applicants respectfully assert that the amendments to the claims add no new matter.

### Remarks to the Oath (Declaration)

The Examiner objected to the declaration in the application on the basis that it "does not state that the person making the oath of declaration believes the named inventor or inventors to be the first inventor or inventors of the subject matter. . ." (Office Action p. 2, emphasis in original). Applicant respectfully disagrees. The Examiner is referred to the executed declaration, in which Applicant clearly states that he believes that he is the "original, sole . . . inventor of the subject matter. . ." The clear intent of "original" is to fulfill the requirement of 37 C.F.R. § 1.67(a) and MPEP §§ 602.01, 602.02. Although Applicant believes the executed declaration to be in entirely satisfactory, should the Examiner nevertheless require a substitute declaration, Applicant will submit one.

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### **Remarks to the Substitute Specification**

A substitute specification has been submitted as Appendix A to correct typographical and other errors in the specification. The corrections made in the specification are editorial in nature, for example, conforming numeration of elements in the drawings and do not introduce new matter.

### **Remarks to the Amended Drawings**

The drawings have been amended as attached in Appendix B to conform to the numeration of the substitute specification and to correct typographical errors. In addition, the two drawings of Figure 2 have been relabeled Figs. 2A and 2B. Finally, Fig. 6 has been omitted in its entirety without prejudice to being included in a continuing, divisional, or other application.

### **Drawings Objections**

The Examiner has objected to the drawings because reference characters were used to designate different parts in each drawing. This objection is moot in light of the substitute specification and drawings.

The Examiner has also objected to the drawings because they include reference to item 8, which is not referred to in the specification. In particular, former reference numeral 8, now reference numeral 208, refers to the seal and is mentioned on page 10 of the specification.

The Examiner also objected to the omission of the Brief Description of the Drawings and the inclusion of two drawings in Fig. 2. The Examiner's objection is not understood with regard to the Brief Description of Drawings, as such a section exists in the application. In addition, the two drawings comprising Fig. 2 have been relabeled as Figs. 2A and 2B.

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### **Claim Objections**

The Examiner has objected to claims 4-10 and 13-26 as containing improper multiple dependent claims. The objected-to claims have been amended to overcome the objection. It is respectfully noted that the amendments have not been made to overcome prior art rejections.

### **CLAIM REJECTIONS**

#### **35 U.S.C. § 112 Rejections**

Claims 1-3 and 11-12 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully submits that the claims are definite and particularly point out and distinctly claim the subject matter. As the Examiner has not specified the basis for the rejection, Applicant respectfully request clarification of the rejection.

Claim 1 has also been rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships. In particular, the Examiner has stated that "since claim 1 recites that the rechargeable electrochemical battery cell comprises a closed housing including two or more units, it is unclear as to what particular structural configuration or orientation the instant claims intend to recite ...". While Applicant believes the claim to be complete and to include all essential elements, claim 1 has been amended to clarify that the units are in electrical connection with each other.

#### **35 U.S.C. § 102 Rejections**

The Examiner has rejected claims 1-3 as being anticipated under 35 U.S.C. § 102(b) by US Pat. No. 5,580,676 (Honda). For at least the reasons provided below, Applicant respectfully disagree and assert that the claims are not anticipated by Honda.

Honda discloses:

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A rectangular battery is disclosed. The rectangular battery includes a plurality of cathode plates and anode plates alternately superposed via a separator to face each other. The cathode plates and the anode plates are consecutively packed with the separator, the packed cathode plates or anode plates being folded at a separator fusing portion between the cathode plates or anode plates.

In particular, Honda purports to disclose a solution to the problem of crumpling of the separator 103 by its contraction due to heat, which may cause deterioration in performance of the battery, as well as the problem of positioning the electrode plates for cutting. (Honda col. 1 lines 38-49). As a result, Honda discloses a certain assembly of the cell, including the separators.

Embodiments of the present application are intended, inter alia, to deal with short circuits induced by dendrites. (See, e.g., pp. 2-3). The claims of the present application, therefore, provide for maintaining pressure on the battery cell, as indicated. Claim 1, for example recites "means . . . for maintaining pressure from granule to granule . . ." The cited Honda reference, therefore, does not anticipate claim 1 because it does not teach expressly or implicitly each element of the pending claims, including the means for maintaining pressure. Nor would it have been obvious to modify the Honda reference to include each of the elements of the pending claims.

The Examiner has also rejected claims 1-3 and 11-12 as being anticipated under 35 U.S.C. § 102(b) by US Pat. No. 5,480,742 (Erez). For at least the reasons provided below, Applicant respectfully disagree and assert that the claims are not anticipated by Erez. Erez discloses:

An electrochemical cell including a housing containing a cathode electrode, an anode electrode, electrode terminals, and a liquid electrolyte; characterized in that the electrodes are in the form of unbonded granules located in separate compartments within the housing and separated by a separator; the granules filling their respective compartments and being subjected to a compressive force to produce good electrical contact between their outer surfaces; the

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electrolyte filling the interstitial spaces between the granules.

(Abstract)

The disclosure of Erez, for example, in Figs. 4 and 5, shows a cell containing free-flowing electrode active materials to which pressure is applied to the electrolyte and as a result increasing contact pressure between particles and electrolyte and between electrolyte and terminals. Because Erez discloses putting pressure on a volume of liquid, the pressure disclosed therein is omnidirectional, rather than directional. Thus, the cell proposed by Erez is placed under uniform pressure, which does not affect pressure among particles of electrolyte due to liquid property of pressure equilibrium among the particles.

In contrast, in the pending claims of the present application, there is provided a "means . . . for maintaining pressure from granule to granule and from granule to electrode fabric for needed electrical contact."

In addition, there are significant structural differences between the device disclosed by the Erez patent and the pending claims. For example, Erez does not teach a "flat, conductive flexible frame of electrode," but rather, electrode granules 310, 311 and 312 located within the compartments 306, 307 and 308. See col. 4 lines 39-47. Also, Erez does not teach using "powder form active material," but rather a liquid electrolyte 314.

Accordingly, Erez does not contain each and every element of the pending claims, nor would it have been obvious to modify the Erez reference to include each of the recited claims.

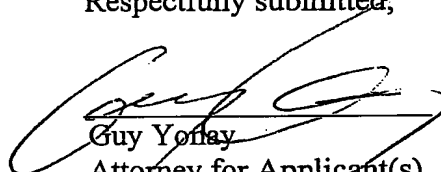
In view of the foregoing remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

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Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 05-0649.

Respectfully submitted,



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Dated: March 25, 2004

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